

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARVIN GERBER AND KALMA KOENIG,	:	
on behalf of themselves and all others similarly	:	
situated,	:	
	:	
Plaintiffs,	:	Index No. 1:18-cv-07580-JPO
	:	
-against-	:	
	:	
THE FINANCIAL TRUST COMPANY, XYZ	:	
CORPORATION, ABC, INC., and JEFFREY	:	
E. EPSTEIN,	:	
	:	
Defendants.	:	
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**DECLARATION OF BENNET J. MOSKOWITZ**

BENNET J. MOSKOWITZ hereby declares as follows:

1. I am a member of the bar of the State of New York. I am a partner at Troutman Sanders LLP, attorneys of record for Defendants The Financial Trust Company (“FTC”) and Jeffrey E. Epstein (together with FTC, the “Defendants”). I am fully familiar with the facts and circumstances set forth herein.

2. I submit this declaration in support of Defendants’ Motion to Dismiss plaintiffs Marvin Gerber and Kalma Koenig’s (together, the “Plaintiffs”) Complaint [ECF 7], in its entirety and with prejudice. A copy of Plaintiffs’ Complaint is attached hereto as **Exhibit A**.

3. A copy of the sentencing opinion in *U.S. v. Hoffenberg*, 94-cr-213 (RWS), 1997 WL 96563 (S.D.N.Y. Mar. 4, 1997), is attached hereto as **Exhibit B**.

4. A copy of a Memorandum and Order entered on December 18, 2013 in *200,000 Towers Investors Restitution Victims v. United States*, 1:13-cv-08563-PKC [ECF 2], is attached hereto as **Exhibit C**.

5. A copy of an Order entered on January 16, 2014 in *200,000 Towers Investors Restitution Victims v. United States*, 1:13-cv-08563-PKC [ECF 5], is attached hereto as **Exhibit D**.

6. A copy of a Verified Petition to Perpetrate Testimony dated June 11, 2015 and filed in *U.S. v. Steven J. Hoffenberg*, 94-CR-213-RWS [ECF 154], is attached hereto as **Exhibit E**.

7. A copy of the Complaint filed in *Hoffenberg v. Epstein*, No. 1:16-cv-03989-RJS (S.D.N.Y. May 27, 2016) [ECF 1], is attached hereto as **Exhibit F**.

8. A copy of Defendants' June 28, 2016 pre-motion-to-dismiss letter filed in *Hoffenberg v. Epstein*, No. 1:16-cv-03989-RJS (S.D.N.Y. May 27, 2016) [ECF 19], is attached hereto as **Exhibit G**.

9. A copy of Hoffenberg's July 1, 2016 response letter filed in *Hoffenberg v. Epstein*, No. 1:16-cv-03989-RJS (S.D.N.Y. May 27, 2016) [ECF 22], is attached hereto as **Exhibit H**.

10. A copy of the July 5, 2016 Order entered in *Hoffenberg v. Epstein*, No. 1:16-cv-03989-RJS (S.D.N.Y. May 27, 2016) [ECF 23], is attached hereto as **Exhibit I**.

11. A copy of a Vanity Fair article titled "The Talented Mr. Epstein," which was published on March 1, 2003, and is still available today on the Vanity Fair's official website (*see* [www.vanityfair.com/news/2003/03/jeffrey-epstein-200303](http://www.vanityfair.com/news/2003/03/jeffrey-epstein-200303)), is attached hereto as **Exhibit J**.

12. A copy of the homepage of the website [www.towersinvestors.com](http://www.towersinvestors.com), as it appeared on June 25, 2013 (per non-profit The Internet Archive's "Wayback Machine"), is attached hereto as **Exhibit K**.

13. A copy of the transcript of a December 5, 2013 hearing in *U.S. v. Hoffenberg*, No. 94-cr-213-RWS [ECF 150], is attached hereto as **Exhibit L**.

14. A copy of an Affidavit of Alan P. Fraade filed on February 4, 2014 in the matter *200,000 Towers Investors Restitution In Victims v. United States*, No. 1:13-cv-8563-PKC [ECF 7], is attached hereto as **Exhibit M**.

15. A copy of Financial Trust Company, Inc.'s Articles of Incorporation, dated November 6, 1998, is attached hereto as **Exhibit N**.

16. A copy of Financial Trust Company, Inc.'s certification of Articles of Incorporation, dated November 30, 1998, is attached hereto as **Exhibit O**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 14, 2018  
New York, New York

/s/ Bennet J. Moskowitz  
Bennet J. Moskowitz